THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 10615 of 2001

DATED: 05-08-2005

M/s. Sri Durgasai Broilers & Feeds,

rep., by its Prop. Smt. Dasari Sri Subbalakshmi,
Gokavaram & another.

..... PETITIONERS

AND

The Mandal Revenue Officer,
Gokavaram Mandal, Godavarm,
East Godavari District & another.

.....RESPONDENTS

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking a Mandamus declaring the notice issued by the 1st respondent, vide Ref.B.346/2001 dated 28-04-2001 proposing to demolish the poultry farm of the petitioners, situated in R.S.No.349/1 of Gokavaram village, East Godavari District, as arbitrary and illegal.

2. Apprehending demolition of the poultry farm, constructed by the 1st petitioner in R.S.No.349/1 of Gokapuram village, East Godavari District, by the 1st respondent vide notice in Ref.B.346/2001, dated 28-04-2001, the petitioner has submitted his explanation on 02-05-2001. Pending consideration of the said explanation and passing final order by the 1st respondent, apprehending that the 1st respondent is going to demolish the same, the petitioner approached this court by way of filing the present Writ Petition.

3. No counter has been filed by the respondents.

4. Heard both sides.

5. I have perused the entire material on record.

6. As seen from the facts and circumstances of the case, the matter is pending consideration before the 1st respondent after submission of explanation by the petitioner to the urgent show cause notice issued by the 1st respondent. Therefore, I deem it appropriate to dispose of the Writ Petition directing the 1st respondent to consider the explanation of the petitioner and give him an opportunity before passing final order, in accordance with law.

7. The Writ Petition is accordingly disposed of.

(DHARMA RAO ELIPE,J)

5th August, 2005.

tsy